

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BILLY WAYNE RICHMOND,

Plaintiff,

v.

SCOTT FRAKES, *et al.*,

Defendants.

Case No. C12-0900-MJP-MAT

REPORT AND RECOMMENDATION

On May 23, 2012, plaintiff Billy Wayne Richmond submitted to this Court for filing a proposed civil rights complaint. (*See* Dkt. No. 1.) However, plaintiff failed to submit with his complaint either an application to proceed *in forma pauperis* or the requisite filing fee. On May 24, 2012, the Clerk sent plaintiff a letter advising him that his submission was deficient and that he would have to either pay the filing fee, or submit an appropriate application to proceed *in forma pauperis*, not later than June 25, 2012 or face dismissal of this action. (Dkt. No. 2.) This letter was subsequently returned to the Court by the United States Post Office because it was improperly addressed. (*See* Dkt. No. 4.)

01 On June 11, 2012, the Clerk's Office sent a second letter to plaintiff, once again
02 advising him that his submission was deficient and that he would have to either pay the filing
03 fee, or submit an appropriate application to proceed *in forma pauperis*, or face dismissal of this
04 action. (Dkt. No. 5.) The Clerk's Office established a new deadline of July 11, 2012. (*Id.*)
05 To date, plaintiff has made no effort to correct his filing fee deficiency.

06 As plaintiff has had ample time to correct the deficiency, but has failed to do so, this
07 Court recommends that the instant action be dismissed without prejudice for failure to
08 prosecute. A proposed Order accompanies this Report and Recommendation.

09 DATED this 17th day of August, 2012.

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12 Mary Alice Theiler
13 United States Magistrate Judge
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